

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of

**AMENDMENT OF THE COMMISSION'S
RULES TO PERMIT PRIVATE CARRIER
PAGING LICENSEES TO PROVIDE
SERVICE TO INDIVIDUALS**

PR Docket No. 93-38

RECEIVED

MAY 24 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

REPLY COMMENTS OF PACTEL PAGING

PacTel Paging ("PacTel"), by its attorneys, hereby submits its Reply Comments in support of the Commission's Notice of Proposed Rulemaking amending the Commission's Rules to permit private carrier paging licensees to provide service to individuals ("Notice").

1. Eleven parties filed Comments to the Commission's Notice.^{1/} Virtually all commenters supported the Notice.^{2/} The

^{1/} The companies filing Comments are American Paging, Inc. ("American"); Association for Private Carrier Paging Section of the National Association of Business and Educational Radio, Inc. ("NABER"); BellSouth Corporation ("BellSouth"); First National Paging ("First National"); PacTel Paging ("PacTel"); PageMart, Inc. ("PageMart"); Pager One ("Pager One"); Paging Network, Inc. ("PageNet"); Pass Word, Inc. ("Pass Word"); Radio Call Company, Inc. ("Radio Call"); and Telocator.

^{2/} Only BellSouth outright opposes moving forward with the Notice. Radio Call proposed that the Commission undertake another rulemaking to relax certain rules regarding common carrier paging. Radio Call Comments at ¶3. Telocator (continued...)

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commenters found that removing the current prohibition against private carrier paging ("PCP") licensees serving individuals would serve the public interest by enhancing consumer choice for paging services,^{3/} allowing PCP licensees to utilize all possible distribution channels,^{4/} promoting the phenomenal growth of paging services to the public,^{5/} and eliminating opportunities for anticompetitive abuses.^{6/}

2. Only BellSouth suggests that the Commission delay implementing the proposed rules until the Commission undertakes a broader examination of the dichotomy in regulation between common and private carriage.^{7/} The Commission should reject this argument. This argument seeks to delay the implementation of rules which will benefit the public. PacTel agrees that there are inequities between these two services that should be

^{2/}(...continued)

supported the Notice, but suggested that further rulemakings would be appropriate for common carrier paging companies. Telocator Comments at fn. 7.

^{3/} See Comments of American at p. 2; NABER at p. 4; PacTel at ¶3; PageMart at pp. 7-11; PageNet at pp. 8-10; and Pager One.

^{4/} See Comments of NABER at 5; First National at ¶3; PacTel at ¶2; PageNet at pp. 8-10; PageMart at pp. 10-11; Pass Word at p. 2; and Telocator at p. 2.

^{5/} See Comments of PageNet at p. 5 and Telocator at p. 2.

^{6/} See Comments of PageNet at pp. 10-11.

^{7/} See Comments of BellSouth at p. 7. Radio Call and Telocator both request that the Commission open a further proceeding to examine the distinctions between common and private carriage, but not to delay this proceeding. PacTel supports a further rulemaking to examine all the other burdens which common carriers bear that PCP operators do not.

addressed, but agrees with Telocator that the Commission, after lifting the prohibition, should establish a further rulemaking to explore eliminating inequities between these two services.^{1/} Only in this way will the public interest be served by not delaying PCP operators from being able to more fully serve the public.^{2/}

^{1/} See Comments of Telocator at fn. 7. Indeed, some of the inequities, such as federal tariffing requirements, are already the subject of a Commission proceeding. See, Request of PacTel Paging for a Declaratory Ruling that Common Carrier Paging is an Exchange Service subject to State Regulation and Exempt from Federal Tariff Requirements, DA-93-400 (Released April 7, 1993).

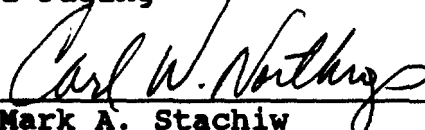
^{2/} As PacTel stated in its Comments, the Commission needs to revise its proposed Section 90.494(a) to cover both Pool 1 and Pool 2 frequencies. See Comments of PacTel at ¶4.

3. The foregoing premises having been duly considered, PacTel respectfully requests that the Commission proceed with the elimination of the prohibition against serving individuals on private carrier paging channels.

Respectfully submitted,

PacTel Paging

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CERTIFICATE OF SERVICE

I, Lois L. Trader, a secretary in the law firm of Bryan Cave, do hereby certify that on this 4th day of May, 1993, I caused copies of the foregoing **REPLY COMMENTS OF PACTEL PAGING** to be sent by first-class U.S. mail, postage prepaid, to the following:

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